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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,094	06/01/2001	Travis J. Parry	10005949-1	3103

7590 09/14/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,094

Applicant(s)

PARRY ET AL.

ST

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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FIRST ACTION REJECTION

(Paper# 9/7/2004)

DRAWINGS

1. This application has been filed with drawings that are considered informal, however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

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pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 are rejected under 35 U.S.C. §103(a) as being obvious over Off US 4,910,672 (3/20/1990) (herein referred to as "Off").

As per claim 1, Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows: "A method to promote the use of consumables in an imaging device, comprising; detecting consumption of a consumable; and when the consumption of a predefined quantity of the consumable has been detected, rewarding a user of the imaging device."

Off lacks an explicit recitation of "rewarding a user of the imaging device."

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows "rewarding a user of the imaging device. . . ." and it would have been obvious to modify and interpret the disclosure of Off cited above as implicitly showing "rewarding a user of the

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imaging device. . .” because modification and interpretation of the cited disclosure of Off would have provided means of “putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . .” (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use “*point-of-sale computer systems . . . to record sales transactions.*” (See Off (col. 1, ll. 13-20)).

As per claims 2-9, Off shows the method of claim 1 and subsequent base claims depending from claim 1.

Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows all elements and limitations of claims 2-9; however,

Off lacks explicit recitation of some elements of claims 2-9, even though Off cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 2-9 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll.

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40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows those elements and limitations of claims 2-9 which are not explicitly recited in Off, and it would have been obvious to modify and interpret the disclosure of Off cited above as showing all of the elements and limitations of claims 2-9, because modification and interpretation of the cited disclosure of Off would have provided means of "putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . ." (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use "*point-of-sale computer systems . . . to record sales transactions.*" (See Off (col. 1, ll. 13-20)).

Independent claim 10 is rejected for substantially the same reasons as independent claim 1.

As per claim 11, Off shows the method of claim 10.

Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows all elements and limitations of claim 11; however,

Off lacks explicit recitation of some elements of claim 11, even though Off cited above implicitly shows same.

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Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claim 11 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows those elements and limitations of claim 11 which are not explicitly recited in Off; and it would have been obvious to modify and interpret the disclosure of Off cited above as showing all of the elements and limitations of claim 11, because modification and interpretation of the cited disclosure of Off would have provided means of "putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . ." (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use "*point-of-sale computer systems . . . to record sales transactions.*" (See Off (col. 1, ll. 13-20)).

Independent claim 12 is rejected for substantially the same reasons as independent claim 1.

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As per claims 13-16, Off shows the method of claim 12.

Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows all elements and limitations of claims 13-16; however,

Off lacks explicit recitation of some elements of claims 13-16, even though Off cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 13-16 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows those elements and limitations of claims 13-16 which are not explicitly recited in Off; and it would have been obvious to modify and interpret the disclosure of Off cited above as showing all of the elements and limitations of claims 13-16, because modification and interpretation of the cited disclosure of Off would have provided means of "putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . ." (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use

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"point-of-sale computer systems . . . to record sales transactions." (See Off (col. 1, ll. 13-20)).

Independent claim 17 is rejected for substantially the same reasons as independent claim 1.

As per claims 18-24, Off shows the apparatus of claim 17 and subsequent base claims depending from claim 17.

Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows all elements and limitations of claims 18-24; however,

Off lacks explicit recitation of some elements of claims 18-24, even though Off cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 18-24 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole

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document) implicitly shows those elements and limitations of claims 18-24 which are not explicitly recited in Off; and it would have been obvious to modify and interpret the disclosure of Off cited above as showing all of the elements and limitations of claims 18-24, because modification and interpretation of the cited disclosure of Off would have provided means of "putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . ." (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use "*point-of-sale computer systems . . . to record sales transactions.*" (See Off (col. 1, ll. 13-20)).

Independent claim 25 is rejected for the same reasons as independent claim 1.

As per claims 26-32, Off shows the apparatus of claim 25 and subsequent base claims depending from claim 25.

Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows all elements and limitations of claims 26-32; however,

Off lacks explicit recitation of some elements of claims 26-32, even though Off cited above implicitly shows same.

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Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 26-32 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows those elements and limitations of claims 26-32 which are not explicitly recited in Off; and it would have been obvious to modify and interpret the disclosure of Off cited above as showing all of the elements and limitations of claims 26-32, because modification and interpretation of the cited disclosure of Off would have provided means of "putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . ." (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use "*point-of-sale computer systems . . . to record sales transactions.*" (See Off (col. 1, ll. 13-20)).

Independent claim 33 is rejected for substantially the same reasons as independent claim 1.

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As per claims 34-36, Off shows the apparatus of claim 33.

Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows all elements and limitations of claims 34-36; however,

Off lacks explicit recitation of some elements of claims 34-36, even though Off cited above implicitly shows same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of dependent claims 34-36 were notoriously well known and expected in the art at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure Off (the ABSTRACT; FIG. 1, FIG. 4a through FIG. 4d; col. 2, ll. 32-67; col. 3, ll. 1-5; col. 4, ll. 1-67; col. 5, ll. 1-20; col. 5, ll. 55-67; col. 8, ll. 40-67; col. 10, ll. 15-55; col. 11, ll. 1-67; and col. 13, ll. 25-45; and whole document) implicitly shows those elements and limitations of claims 34-36 which are not explicitly recited in Off, and it would have been obvious to modify and interpret the disclosure of Off cited above as showing all of the elements and limitations of claims 34-36, because modification and interpretation of the cited disclosure of Off would have provided means of "putting a discount coupon for a selected product in the hands of a customer who uses some other product. . . ." (see Off (col. 1, ll. 65-67)), based on the motivation to modify Off so as to use

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"point-of-sale computer systems . . . to record sales transactions." (See Off (col. 1, ll. 13-20)).

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young

Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

September 7, 2004